

December 13, 2007 Planning Commission minutes

1. **2007Z-179U-06**
 Map 102-00, Parcel 078
 Subarea 6 (2003)
 Council District 35 - Bo Mitchell

A request to rezone from OR20 to CS property located at 6962 Charlotte Pike, approximately 860 feet west of I-40 (2.08 acres), requested by William Gregory, applicant, for West Harpeth Funeral Home LLC, owner.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - Zone Change

A request to change from Office/Residential (OR20) to Commercial Service (CS) zoning a portion of property located on 6962 Charlotte Pike, approximately 860 feet west of I-40 (2.08 acres).

Existing Zoning

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

Proposed Zoning

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

BELLEVUE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Special Policy 1 - Special Policy 1 applies to the CMC area on the north and south sides of Charlotte Pike west of the I-40 interchange and along River Road.

Some of the topography and floodplain in this area is unsuitable for nonresidential or intensive residential uses. Therefore, commercial uses in this CMC area should be in smaller scale buildings with a low floor area ratio (0.1 to 0.15). Residential uses in this CMC area should be limited to the middle of the RMH range (15 units per acre) and lower where topographic conditions are severe. Where proposed residential uses border existing single family, a transition should be made within the site so that similar densities and building types will be adjacent to existing development

Consistent with Policy? No. Special Polices are established to provide clear guidance for development that is proposed within specific locations of particular concern. While the CS zoning district is ordinarily appropriate for the CMC policy, Special Policy 1 limits density to a floor area ratio (F.A.R) of 0.1 to 1.5. CS zoning would allow development at a higher F.A.R (.60), inappropriate to the environmental conditions.

PUBLIC WORKS RECOMMENDATION A Traffic Study may be required at the time of development.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.08	0.31	28,087	502	68	111

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	2.08	0.066	5,979	294	12	36

December 13, 2007 Planning Commission minutes

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			-22,108	-208	-56	-75

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.08	0.80	72,483	1042	145	160

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	2.08	0.06*	5,436	4012	365	285

*Adjusted as per use

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2970	220	125

STAFF RECOMMENDATION Staff recommends disapproval as the zone change request is inconsistent with Special Policy 1 of the Bellevue Community Plan.

Mr. Sexton presented and stated that staff is recommending disapproval.

Mr. Kurt Beasley spoke in favor of requested zone change.

Ms. Nielson closed the public hearing and requested this bill be disapproved. This was seconded by Mr. Gotto.

Ms. Cummings requested that the Commission discuss this zone change request.

Ms. LeQuire requested additional information regarding surrounding parcels that would be affected by this request.

Mr. Bernhardt offered additional information on the surrounding parcels, as well as additional information regarding the staff recommendation.

Ms. Jones requested additional information regarding the requested zone change.

Mr. Bernhardt offered additional information regarding the requested zoning for this parcel.

Mr. Gotto requested clarification on whether the existing zoning for this parcel was considered conforming.

Mr. Sexton offered that the existing zoning for the funeral home is considered legal.

Mr. Bernhardt summarized the situation regarding this request and the actions required of the Commission.

Ms. Jones questioned whether the Commission could disapprove or defer.

December 13, 2007 Planning Commission minutes

Mr. Bernhardt offered additional information regarding the various actions asked of the Commission and their potential outcomes.

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously to disapprove Zone Change 2007Z-179U-06. **(7-0)**

Resolution No. BL2007-394

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-179U-06 is **DISAPPROVED**. **(7-0)**”

While the proposed CS district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration policy, which is intended to include medium high to high density residential, all types of retail, commercial and office uses, it is not consistent with the area’s special policy which calls for commercial floor area to be limited to between a 0.1 and 0.15 floor area ratio (FAR), and residential densities not exceeding 15 units per acre.”
